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Estate of James Alcorn v. HMD LLC, Rodney Williams, Perry Fiberglass Products, Inc. et al

Case Number 89D01-2103-CT-000012  
Court Wayne Superior Court 1  
Type CT - Civil Tort  
Filed 03/09/2021  
Status 03/09/2021 , Pending (active)

Parties to the Case

Defendant HMD LLC

Address

c/o Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, IN 46237

Attorney

Christopher R Whitten  
#2042949, Lead, Retained

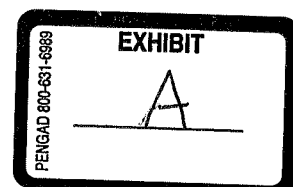
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317-362-0225(W)

Attorney

James Lee Culp  
#2632649, Retained

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Defendant Williams, Rodney



Address

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Defendant Perry Fiberglass Products, Inc.

Address

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Rockledge, FL 32955

Attorney

Kyle R Clapper  
#3192845, Lead, Retained

30 S Wacker DR  
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Chicago, IL 60606  
312-579-2023(W)

Attorney

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Attorney

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Defendant R & S Sheet Metal, LLC

Address

c/o Reuben Schlabach, Registered Agent  
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Defendant Troyer, Mervin

Address

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Attorney

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Plaintiff Estate of James Alcorn

Attorney

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317-545-1760(W)

Attorney

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317-545-1760(W)

03/09/2021 **Case Opened as a New Filing**

03/09/2021 **Appearance Filed**

Appearance

For Party: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Subpoena/Summons Filed**

Summons Filed - HMD

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Subpoena/Summons Filed**

Summons Filed - Williams

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Subpoena/Summons Filed**

Summons Filed - Perry Fiberglass

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Subpoena/Summons Filed**

Summons Filed - R&S

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Subpoena/Summons Filed**

Summons Filed - Troyer

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Jury Trial Demand Filed**

Jury Trial Demand

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/09/2021 **Complaint/Equivalent Pleading Filed**

Complaint

Filed By: Estate of James Alcorn

File Stamp: 03/09/2021

03/16/2021 **Appearance Filed**

Appearance by Attorney in Civil Case

For Party: HMD LLC

For Party: Williams, Rodney

File Stamp: 03/16/2021

03/16/2021 **Motion for Enlargement of Time Filed**

Motion for Enlargement of Time

Filed By: HMD LLC

Filed By: Williams, Rodney

File Stamp: 03/16/2021

03/17/2021 **Order Granting Motion for Enlargement of Time**

Order Signed: 03/17/2021

03/18/2021 **Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 3/17/2021 : Perry Fiberglass Products, Inc.;R & S Sheet Metal, LLC;Mervin Troyer

03/18/2021 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 3/17/2021 : David W Craig;Scott Anthony Faultless;Christopher R Whitten;James Lee Culp

03/23/2021 **Service Returned Served (E-Filing)**

Return of Service - R&S

Filed By: Estate of James Alcorn

File Stamp: 03/23/2021

03/23/2021 **Service Returned Served (E-Filing)**

Return of Service - Troyer

Filed By: Estate of James Alcorn

File Stamp: 03/23/2021

03/23/2021 **Service Returned Served (E-Filing)**

Return of Service - Perry Fiberglass

Filed By: Estate of James Alcorn

File Stamp: 03/23/2021

03/25/2021 **Appearance Filed**

Appearance of Attorney Kyle Clapper on behalf of Defendant, Perry Fiberglass Products, Inc.

For Party: Perry Fiberglass Products, Inc.

File Stamp: 03/24/2021

03/25/2021 **Appearance Filed**

Appearance of Attorney Michael Mayerck on behalf of Defendant, Perry Fiberglass Products, Inc.

For Party: Perry Fiberglass Products, Inc.

File Stamp: 03/24/2021

03/25/2021 **Motion for Enlargement of Time Filed**

DEFENDANT, PERRY FIBERGLASS PRODUCTS, INC. S UNOPPOSED FIRST MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADING

Filed By: Perry Fiberglass Products, Inc.

File Stamp: 03/24/2021

03/25/2021 **Order Granting Motion for Enlargement of Time**

Order on Defendant, Perry Fiberglass Products, Inc.'s unopposed first motion for enlargement of time to file responsive pleading.

Order Signed: 03/25/2021

03/26/2021 **Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 3/25/2021 : Michael Anthony Mayerck

03/26/2021 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 3/25/2021 : David W Craig;Scott Anthony Faultless;Christopher R Whitten;James Lee Culp;Kyle R Clapper;Keith A Kinney

03/26/2021 **Appearance Filed**

Appearance for Defendants R & S Sheet Metal, LLC and Mervin Troyer

For Party: R & S Sheet Metal, LLC

For Party: Troyer, Mervin

File Stamp: 03/24/2021

03/26/2021 **Answer Filed**

Defendant R & S Sheet Metal, LLC's Answer, Affirmative Defenses and Request for Jury Trial

Filed By: R & S Sheet Metal, LLC

File Stamp: 03/24/2021

04/06/2021 **Motion to Withdraw Appearance Filed**

Motion to Withdraw Appearance

Filed By: R & S Sheet Metal, LLC

File Stamp: 04/06/2021

04/07/2021 **Order Granting**

Order withdrawing appearance (Keith Kinney) for Defendant

Order Signed: 04/07/2021

04/08/2021 **Automated Paper Notice Issued to Parties**

Order Granting ---- 4/7/2021 : Michael Anthony Mayerck

04/08/2021 **Automated ENotice Issued to Parties**

Order Granting ---- 4/7/2021 : David W Craig;Scott Anthony Faultless;Christopher R Whitten;James Lee Culp;Kyle R Clapper;Keith A Kinney

04/08/2021 **Appearance Filed**

Appearance of Mark Alderfer (Troyer)

For Party: Troyer, Mervin

File Stamp: 04/07/2021

04/08/2021 **Motion for Enlargement of Time Filed**

Motion for Initial Enlargement of Time (Unopposed)

Filed By: Troyer, Mervin

File Stamp: 04/07/2021

04/08/2021 **Order Granting Motion for Enlargement of Time**

for Defendant, Mervin Troyer

Order Signed: 04/08/2021

04/09/2021 **Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 4/8/2021 : Michael Anthony Mayerck

04/09/2021 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 4/8/2021 : David W Craig;Scott Anthony Faultless;Christopher R Whitten;James Lee Culp;Kyle R Clapper;Keith A Kinney;Mark S Alderfer

**Financial Information**

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Estate of James Alcorn**

Plaintiff

Balance Due (as of 04/13/2021)

0.00

**Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

**Transaction Summary**

Date	Description	Amount
03/09/2021	Transaction Assessment	157.00
03/09/2021	Electronic Payment	(157.00)

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SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA

Wayne County, Indiana

CAUSE NO.

THE ESTATE OF JAMES ALCORN,	)
DECEASED, BY NIKKA ALCORN AS	)
PERSONAL REPRESENTATIVE,	)
	)
PLAINTIFF,	)
	)
V.	)
	)
HMD, LLC,	)
RODNEY WILLIAMS,	)
PERRY FIBERGLASS PRODUCTS, INC.,	)
R & S SHEET METAL, LLC, AND	)
MERVIN TROYER,	)
	)
DEFENDANTS.	)

COMPLAINT

Plaintiff the Estate of James Alcorn, deceased, by Nikka Alcorn as personal representative, by counsel, hereby asserts claims for relief against Defendants HMD, LLC, Rodney Williams, Perry Fiberglass Products, Inc., R & S Sheet Metal, LLC, and Mervin Troyer. In support hereof, the Plaintiff states and alleges:

1. At all times relevant herein, James Alcorn and Nikka Alcorn were married, living together, and domiciled in Wayne County, Indiana.

2. At all times relevant herein, James Alcorn was the father of two dependent daughters, Kylie Alcorn, and Alexis Alcorn.

3. The Estate of James Alcorn, deceased, was opened in the Wayne Superior Court No. 2 in Wayne County, Indiana, and Nikka Alcorn was appointed to administer the estate for purposes of pursuing claims arising from the death of



James Alcorn.

4. At all times relevant herein, HMD, LLC was formed under the laws of the State of Indiana and has its principal place of business in Lake County, Indiana.

5. At all times relevant herein, HMD, LLC was a motor carrier subject to the provisions of the Federal Motor Carrier Safety Regulations.

6. At all times relevant herein, Rodney Williams was doing business in the State of Indiana.

7. At all times relevant herein, Perry Fiberglass Products, Inc. was doing business in the State of Indiana.

8. At all times relevant herein, R & S Sheet Metal, LLC, was doing business in the State of Indiana.

9. At all times relevant herein, Mervin Troyer was doing business in the State of Indiana.

10. At all times relevant herein, Mervin Troyer was working within the scope of employment with R & S Sheet Metal, LLC.

11. At all times relevant herein, Perry Fiberglass Products, Inc. is a manufacturer and supplier of fiberglass reinforced plastic (FRP) duct products.

12. Prior to November 11, 2020, Perry Fiberglass Products, Inc. had specialized knowledge in several areas, including:

- a. choosing the type of commercial vehicle to transport the variety of FRP duct products it manufactures and ships from its facility;
- b. the loading and placement of the variety of FRP duct products in or on commercial vehicles;
- c. the blocking and bracing of the variety of FRP duct products in or on commercial vehicles, including the use of specially tailored pieces of wood in

- particular places; and
- d. the securement of the variety of FRP duct products in or on commercial vehicles.

13. Prior to November 11, 2020, Perry Fiberglass Products, Inc. chose a flatbed trailer to be used to haul irregularly shaped FRP duct products.

14. Prior to November 11, 2020, HMD, LLC was chosen to be the motor carrier to transport the irregularly shaped FRP duct products from Perry Fiberglass Products, Inc.

15. On or about November 10, 2020, Perry Fiberglass Products, Inc. affirmatively and deliberately undertook to render services in a manner intended to provide for the safety of the traveling public, protect against dangerous conduct, and reduce the risks of harm to the traveling public when it wholly or partial controlled the:

- a. loading and placement of FRP duct products onto a HMD, LLC trailer;
- b. blocking and bracing FRP duct products on the HMD, LLC trailer with specially tailored pieces of wood in particular places; and
- c. placing of securement strapping on the FRP duct products on the HMD, LLC trailer.

16. On or about November 10, 2020, Rodney Williams left the Perry Fiberglass Products, Inc. facility at 611 Lowell Street, Elyria, Ohio, and drove a semi-tractor and trailer with the load of FRP duct products under the operating authority of HMD, LLC.

17. On November 11, 2020, one or more FRP duct products fell from the semi-tractor and trailer being driven by Rodney Williams on westbound Interstate 70 in Wayne County, Indiana.

18. On said date, Rodney Williams was driving the semi-tractor and trailer in the left, westbound lane of Interstate 70.

19. On said date, Mervin Troyer was driving a pick-up truck with a cargo trailer in the right, westbound lane of Interstate 70 in Wayne County, Indiana, in front of the semi-tractor and trailer being driven by Rodney Williams.

20. On said date, it is believed that Mervin Troyer noticed one or more FRP duct products fall from the semi-tractor and trailer being driven by Rodney Williams.

21. On said date, Mervin Troyer changed lanes to be directly in front of the semi-tractor and trailer being driven by Rodney Williams, braked, and activated the hazard lights on the pick-up truck and cargo trailer.

22. On said date, Mervin Troyer substantially slowed the pick-up truck and cargo trailer directly in front of the semi-tractor and trailer being driven by Rodney Williams and swerved into the right lane and then back into the left lane when Rodney Williams attempted to pass.

23. On said date, Mervin Troyer stopped the pick-up truck and cargo trailer directly in front of the semi-tractor and trailer being driven by Rodney Williams beyond the crest of a hill in the left, westbound lane of Interstate 70 in an area that had guardrails on both sides of westbound Interstate 70.

24. On said date, Mervin Troyer exited the pick-up truck, walked to the semi-tractor, and spoke with Rodney Williams while they were stopped in the left, westbound lane of Interstate 70.

25. On said date, while stopped in the left, westbound lane of Interstate 70,

Rodney Williams exited the semi-tractor and walked back to the trailer to check the FRP duct products.

26. On said date, Rodney Williams re-entered the semi-tractor.

27. On November 11, 2020, at approximately 9:07 a.m., James Alcorn was driving a Ford westbound on Interstate 70 in Wayne County, Indiana.

28. At said date and time, the Ford collided into the rear of the trailer that was stopped in the left, westbound lane of Interstate 70.

29. On November 11, 2020, James Alcorn died because of injuries sustained in the collision.

30. As a result of the death of James Alcorn, Nikka Alcorn has suffered harms, losses, and damages, including:

- a. the love, care, affection, and companionship of James Alcorn;
- b. the services, security, support, and other things of value that could reasonably be expected to receive from James Alcorn; and
- c. the earning capacity that could reasonably be expected to receive from James Alcorn.

31. As a result of the death of James Alcorn, Kylie Alcorn and Alexis Alcorn have suffered harms, losses, and damages, including:

- a. the love, care, affection, and companionship of James Alcorn;
- b. the parental training, guidance, services, security, support, and other things of value that could reasonably be expected to receive from James Alcorn; and
- c. the earning capacity that could reasonably be expected to receive from James Alcorn.

32. As a result of the death of James Alcorn, the Estate of James Alcorn, deceased, has suffered harms, losses, and damages, including:

- a. necessary and reasonable health care services furnished in connection

- with the last injuries of James Alcorn;
- b. necessary and reasonable funeral and burial expenses for James Alcorn;
- c. necessary and reasonable costs and expenses for administering the Estate of James Alcorn, deceased; and
- d. damaged or destroyed personal property.

### **Count I**

The Estate of James Alcorn, deceased, hereby asserts claims for relief against HMD, LLC and Rodney Williams.

33. The Estate of James Alcorn, deceased, incorporates by reference herein paragraphs numbered 11 through 32 of the Complaint.

34. On November 11, 2020, at approximately 9:07 a.m., Rodney Williams was negligent in driving the semi-tractor and trailer, including failing to use reasonable care, failing to properly secure the load, failing to keep a proper lookout, stopping in a travel lane, and remaining stopped in the travel lane before the collision.

35. On November 11, 2020, at approximately 9:07 a.m., the negligent conduct of Rodney Williams was a responsible cause of the collision involving the Ford being driven by James Alcorn and the semi-tractor and trailer.

36. The wrongful conduct of Rodney Williams was the unexcused violation of one or more laws designed to protect the class of persons, including James Alcorn, against the type of harm which occurred because of the violation.

37. The wrongful conduct of Rodney Williams was a responsible cause of the death of James Alcorn.

38. The wrongful conduct of Rodney Williams was a responsible cause of the harms, losses and damages of Nikka Alcorn, Kylie Alcorn, Alexis Alcorn, and the

Estate of James Alcorn, deceased.

**WHEREFORE**, Plaintiff the Estate of James Alcorn, deceased, prays that the Court enters a judgment against Defendants HMD, LLC and Rodney Williams for compensatory damages in an amount sufficient to remedy the harms to Plaintiff the Estate of James Alcorn, deceased, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

### **Count II**

The Estate of James Alcorn, deceased, hereby asserts claims for relief against HMD, LLC.

39. The Estate of James Alcorn, deceased, incorporates by reference herein paragraphs numbered 11 through 32 of the Complaint.

40. There is a scheme of federal regulations, state statutes, and industry practices and standards that govern the qualification, training, and retention of professional drivers of commercial motor vehicles and the safe operation of commercial motor vehicles on the roadways of our country.

41. In its application to obtain operating authority as a motor carrier, HMD, LLC affirmatively and deliberately undertook to render services as a motor carrier in a manner intended to provide for the safety of the traveling public, protect against dangerous conduct, and reduce the risks of harm to the traveling public when it certified and represented that it would:

- a. have in place a system and an individual responsible for ensuring overall compliance with the Federal Motor Carrier Safety Regulations (FMCSRs);
- b. have in place a driver safety training/orientation program;

- c. be familiar with DOT regulations governing driver qualifications and have in place a system for overseeing driver qualification requirements (49 C.F.R. § 391); and
- d. have in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair and maintenance (49 C.F.R. § 392, 395, and 396).

42. On November 11, 2020, HMD, LLC was negligent in one or more of, but not limited to, the following ways:

- a. failing to verify and ensure that Rodney Williams operated the commercial motor vehicle in a reasonably safe manner and abided by all laws governing the safe operation of commercial motor vehicles in violation of 49 C.F.R. § 392.1;
- b. failing to properly train and instruct Rodney Williams and its drivers on safe operations, hazard perception, vehicle inspections, and cargo securement in violation of 49 C.F.R. § 383.111;
- c. failing to properly supervise Rodney Williams and identify dangerous and negligent driving behaviors that could have been corrected in time to avoid this crash;
- d. failing to perform or improperly performing background, driving record, fitness to drive and/or character investigations that would have revealed Rodney Williams was unfit to operate the commercial motor vehicle in violation of 49 CFR part 391; and
- e. otherwise failing to comply with the Federal Motor Carrier Safety Regulations.

43. On November 11, 2020, at approximately 9:07 a.m., the wrongful conduct of HMD, LLC was a responsible cause of the collision involving the Ford being driven by James Alcorn and the semi-tractor and trailer.

44. The wrongful conduct of HMD, LLC was the unexcused violation of one or more laws designed to protect the class of persons, including James Alcorn, against the type of harm which occurred because of the violation.

45. The wrongful conduct of HMD, LLC was a responsible cause of the death of James Alcorn.

46. The wrongful conduct of HMD, LLC was a responsible cause of the harms, losses and damages of Nikka Alcorn, Kylie Alcorn, Alexis Alcorn, and the Estate of James Alcorn, deceased.

**WHEREFORE**, Plaintiff the Estate of James Alcorn, deceased, pray that the Court enters a judgment against Defendant HMD, LLC for compensatory damages in an amount sufficient to remedy the harms to Plaintiff the Estate of James Alcorn, deceased, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

### **Count III**

The Estate of James Alcorn, deceased, hereby asserts claims for relief against Perry Fiberglass Products, Inc.

47. The Estate of James Alcorn, deceased, incorporates by reference herein paragraphs numbered 11 through 32 of the Complaint.

48. On or about November 10, 2020, Perry Fiberglass Products, Inc. was negligent in one or more of, but not limited to, the following ways:

- a. choosing the type of trailer to transport the FRP duct products it manufactured and shipped from its facility;
- b. loading and placement of the FRP duct products on the trailer;
- c. blocking and bracing the FRP duct products on the semi-tractor and trailer; and
- d. securing the FRP duct products on the semi-tractor and trailer.

49. On November 11, 2020, at approximately 9:07 a.m., the wrongful conduct of Perry Fiberglass Products, Inc. was a responsible cause of the collision involving the Ford being driven by James Alcorn and the semi-tractor and trailer.



50. The wrongful conduct of Perry Fiberglass Products, Inc. was a responsible cause of the death of James Alcorn.

51. The wrongful conduct of Perry Fiberglass Products, Inc. was a responsible cause of the harms, losses and damages of Nikka Alcorn, Kylie Alcorn, Alexis Alcorn, and the Estate of James Alcorn, deceased.

**WHEREFORE**, Plaintiff the Estate of James Alcorn, deceased, pray that the Court enters a judgment against Defendant Perry Fiberglass Products, Inc. for compensatory damages in an amount sufficient to remedy the harms to Plaintiff the Estate of James Alcorn, deceased, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

#### **Count IV**

The Estate of James Alcorn, deceased, hereby asserts claims for relief against R & S Sheet Metal, LLC, and Mervin Troyer.

52. The Estate of James Alcorn, deceased, incorporates by reference herein paragraphs numbered 10 through 32 of the Complaint.

53. On November 11, 2020, at approximately 9:07 a.m., Mervin Troyer was negligent in driving the pick-up truck and cargo trailer, including blocking the travel lane, stopping in an unsafe and dangerous area, and failing to use reasonable care.

54. On November 11, 2020, at approximately 9:07 a.m., the negligent or grossly negligent conduct of Mervin Troyer was a responsible cause of the collision involving the Ford being driven by James Alcorn and the semi-tractor and trailer.

55. The wrongful conduct of Mervin Troyer was a responsible cause of the death of James Alcorn.

56. The wrongful conduct of Mervin Troyer was a responsible cause of the harms, losses and damages of Nikka Alcorn, Kylie Alcorn, Alexis Alcorn, and the Estate of James Alcorn, deceased.

**WHEREFORE**, Plaintiff the Estate of James Alcorn, deceased, prays that the Court enters a judgment against Defendants R & S Sheet Metal, LLC, and Mervin Troyer for compensatory damages in an amount sufficient to remedy the harms to Plaintiff the Estate of James Alcorn, deceased, for costs, for a trial by jury on all issues in this cause, and all other just and proper relief in the premises.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ David W. Craig

David W. Craig, #4356-98

/s/ Scott A. Faultless

Scott A. Faultless, #15736-49

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC

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(317) 545-1760

(317) 545-1794 (facsimile)

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA

Wayne County, Indiana

CAUSE No.

THE ESTATE OF JAMES ALCORN,	)
DECEASED, BY NIKKA ALCORN AS	)
PERSONAL REPRESENTATIVE,	)
	)
PLAINTIFF,	)
	)
V.	)
	)
HMD, LLC,	)
RODNEY WILLIAMS,	)
PERRY FIBERGLASS PRODUCTS, INC.,	)
R & S SHEET METAL, LLC, AND	)
MERVIN TROYER,	)
	)
DEFENDANTS.	)

APPEARANCE OF ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating   X   Responding        Intervening       ; andthe undersigned attorney and all attorneys listed on this form now appear in  
this case for the following parties:The Estate of James Alcorn, deceased, by Nikka Alcorn as personal  
representative.2. Attorney information for service as required by Trial Rule 5(B)(2) and for  
case information required by Trial Rules 3.1 and 77(B):

David W. Craig, #4356-98  
 Scott A. Faultless, #15736-49  
 William J. Kelley, #16989-69  
 Christopher M. Barry, #26254-49  
 Alexander R. Craig, #31273-49  
 Samantha C. Craig Stevens, #32553-49  
 Whitney L. Coker, #32556-48

CRAIG KELLEY & FAULTLESS LLC

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Indianapolis, IN 46216

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[anapier@ckflaw.com](mailto:anapier@ckflaw.com) (e-mail address)

3. This is a CT case type as defined in Administrative Rule 8(B)(3).
4. We will accept service from other parties by:
- Facsimile at the above noted number: Yes \_\_X\_\_ No \_\_\_\_
- Email at the above noted address: Yes \_\_X\_\_ No \_\_\_\_
5. This case involves child support issues. Yes \_\_\_\_ No \_\_X\_\_
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No \_\_X\_\_
7. This case involves a petition for involuntary commitment. Yes \_\_\_\_ No \_\_X\_\_
8. There are related cases: Yes \_\_\_\_ No \_\_X\_\_
9. Additional information required by local rule: None
10. There are other party members: Yes \_\_\_\_ No \_\_X\_\_
11. This form has been served on all other parties and Certificate of Service is attached: Yes \_\_X\_\_ No \_\_\_\_

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ David W. Craig

David W. Craig, #4356-98

/s/ Scott A. Faultless

Scott A. Faultless, #15736-49

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760  
(317) 545-1794 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is being filed using the Indiana E-Filing System and served upon the Defendant(s) with the Summons and Complaint.

/s/ Scott A. Faultless

Scott A. Faultless

Wayne County Superior Court 1

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE No.

Wayne County, Indiana

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,

PLAINTIFF,

V.

HMD, LLC,  
RODNEY WILLIAMS,  
PERRY FIBERGLASS PRODUCTS, INC.,  
R & S SHEET METAL, LLC, AND  
MERVIN TROYER,

DEFENDANTS.

## SUMMONS

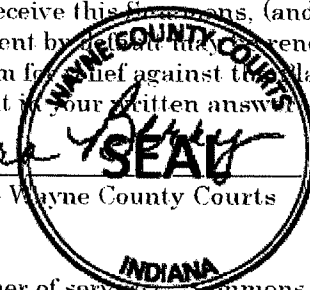
**TO DEFENDANT:** HMD, LLC  
c/o James L. Culp  
Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, Indiana 46237

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (and twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

3/9/2021

Date

*Debra Petty*  
Clerk of the Wayne County Courts



David W. Craig, #4356-98  
Scott A. Faultless, #15736-49  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760

The following manner of service of this summons is hereby designated:

- ☒ X Registered or certified mail.  
☐ Personal Service by Sheriff.  
☐ Service upon Defendant at employer.  
☐ Service upon agent or other:

### CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and a copy of the Complaint to the Defendant \_\_\_\_\_, by Registered/Certified mail, return receipt requested, tracking number \_\_\_\_\_, at the address identified on the Summons.

Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Server's Address: Craig. Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

### RETURN ON SERVICE OF SUMMONS BY MAIL

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Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Server's Address: Craig. Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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- (2) By leaving a copy of the Summons and a copy of the Complaint at \_\_\_\_\_ the dwelling place or usual place of abode of the Defendant \_\_\_\_\_, with a person of suitable age and discretion residing therein, namely \_\_\_\_\_ and by mailing a copy of the Summons to the Defendant by first class mail, to the address listed on the Summons, the last known address of the Defendant.

\_\_\_\_\_  
Sheriff of Wayne County, Indiana

By: \_\_\_\_\_

Wayne County Superior Court 1

SL

Wayne County, Indiana

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE NO.

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,

PLAINTIFF,

V.

HMD, LLC,  
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R & S SHEET METAL, LLC, AND  
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**SUMMONS**

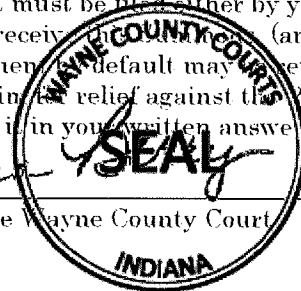
**TO DEFENDANT:** Rodney Williams  
c/o James L. Culp  
Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, Indiana 46237

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3/9/2021

Date

Clerk of the Wayne County Court



David W. Craig, #4356-98  
Scott A. Faultless, #15736-49  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760

The following manner of service of Summons is hereby designated:

- ☒ Registered or certified mail.  
☐ Personal Service by Sheriff.  
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Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Server's Address: Craig, Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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Name & Title: \_\_\_\_\_

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Indianapolis, Indiana 46216

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\_\_\_\_\_  
Sheriff of Wayne County, Indiana

By: \_\_\_\_\_

Wayne County Superior Court 1

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE No.

Wayne County, Indiana

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,

PLAINTIFF,

V.

HMD, LLC,  
RODNEY WILLIAMS,  
PERRY FIBERGLASS PRODUCTS, INC.,  
R & S SHEET METAL, LLC, AND  
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## SUMMONS

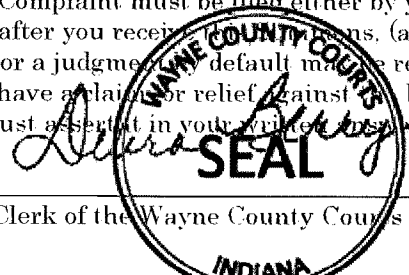
**TO DEFENDANT:** Perry Fiberglass Products, Inc.  
Chad Pulliam, Registered Agent  
5415 Village Drive  
Rockledge, FL 32955

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3/9/2021

Date

Clerk of the Wayne County Courts



David W. Craig, #4356-98  
Scott A. Faultless, #15736-49  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760

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Name & Title: \_\_\_\_\_

Server's Address: Craig, Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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Name & Title: \_\_\_\_\_

Server's Address: Craig, Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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\_\_\_\_\_  
Sheriff of Wayne County, Indiana

By: \_\_\_\_\_

Wayne County Superior Court 1

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE No.

Wayne County, Indiana

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,

PLAINTIFF,

V.

HMD, LLC,  
RODNEY WILLIAMS,  
PERRY FIBERGLASS PRODUCTS, INC.,  
R & S SHEET METAL, LLC, AND  
MERVIN TROYER,

DEFENDANTS.

**SUMMONS**

**TO DEFENDANT:** R & S Sheet Metal, LLC  
Reuben Schlabach, Registered Agent  
5966 South Mt. Eaton Road  
Dalton, OH 44618

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (and twenty-three (23) days if this Summons was received by mail), or a judgment by default may be entered against you for the relief demanded by Plaintiff. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

3/9/2021

Date

Clerk of the Wayne County



David W. Craig, #4356-98  
Scott A. Faultless, #15736-49  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760

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Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Server's Address: Craig, Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

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5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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\_\_\_\_\_  
Sheriff of Wayne County, Indiana

By: \_\_\_\_\_

Wayne County Superior Court 1

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE NO.

Wayne County, Indiana

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,

PLAINTIFF,

V.

HMD, LLC,  
RODNEY WILLIAMS,  
PERRY FIBERGLASS PRODUCTS, INC.,  
R & S SHEET METAL, LLC, AND  
MERVIN TROYER,

DEFENDANTS.

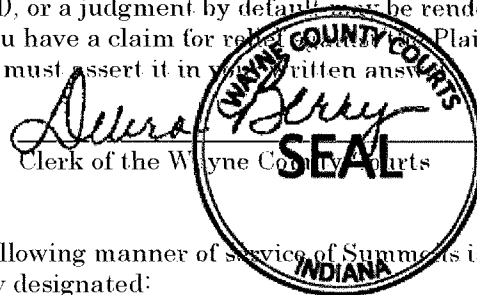
## SUMMONS

**TO DEFENDANT:** Mervin Troyer  
4434 East Messner Road  
Wooster, OH 44691-9468

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (and twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

3/9/2021

Date



David W. Craig, #4356-98  
Scott A. Faultless, #15736-49  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760

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Name & Title: \_\_\_\_\_

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5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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Server's Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_

Server's Address: Craig, Kelley & Faultless, LLC  
5848 Lawton Loop East Drive  
Indianapolis, Indiana 46216

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\_\_\_\_\_  
Sheriff of Wayne County, Indiana

By: \_\_\_\_\_

Wayne County Superior Court 1

SL

IN THE \_\_\_\_\_ COURT FOR WAYNE COUNTY  
STATE OF INDIANA

Wayne County, Indiana

CAUSE NO.

THE ESTATE OF JAMES ALCORN,	)
DECEASED, BY NIKKA ALCORN AS	)
PERSONAL REPRESENTATIVE,	)
	)
PLAINTIFF,	)
	)
V.	)
	)
HMD, LLC,	)
RODNEY WILLIAMS,	)
PERRY FIBERGLASS PRODUCTS, INC.,	)
R & S SHEET METAL, LLC, AND	)
MERVIN TROYER,	)
	)
DEFENDANTS.	)

**JURY TRIAL DEMAND**

Plaintiff the Estate of James Alcorn, deceased, by Nikka Alcorn as personal representative, by counsel, pursuant to Trial Rule 38 of the Indiana Rules of Procedure and the Constitution of the State of Indiana, hereby demands a trial by jury on all issues in this cause.

Respectfully submitted,

CRAIG KELLEY &amp; FAULTLESS LLC

/s/ David W. Craig

David W. Craig, #4356-98

/s/ Scott A. Faultless

Scott A. Faultless, #15736-49



Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760  
(317) 545-1794 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being filed using the Indiana E-Filing System and served upon the Defendant(s) with the Summons and Complaint.

/s/ Scott A. Faultless

Scott A. Faultless

SL

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF WAYNE        ) CAUSE NO. 89D01-2103-CT-0000012

Wayne County, Indiana

THE ESTATE OF JAMES ALCORN,        )  
DECEASED, BY NIKKA ALCORN        )  
AS PERSONAL REPRESENTATIVE        )

Plaintiff,                                )

v.    )

HMD, LLC, RODNEY WILLIAMS,        )  
PERRY FIBERGLASS PRODUCTS, INC.,    )  
R&S SHEET METAL, LLC and            )  
MERVIN TROYER                                )

Defendants.                                )

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

Party Classification:       **Defendants**

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

**HMD, LLC and Rodney Williams**

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Christopher R. Whitten, Attorney No. 20429-49

James L. Culp, Attorney No. 26326-49

WHITTEN LAW OFFICE

6801 Gray Road, Suite H

Indianapolis, IN 46237

(317) 362-0225 Telephone

(317) 362-0151 Facsimile

[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)

[jculp@indycounsel.com](mailto:jculp@indycounsel.com)

3. There are other party members: No.

4. If first initiating party filing this case, the Clerk is required to assign this case the following Case Type under Administrative Rule 8(b)(3): N/A.

5. I will accept service by FAX at the above noted number: No.
6. This case involves support issues. No. (If yes, supply social security number for all family members).
7. There are related cases: No.
8. This form has been served on all other parties. Certificate of Service is attached: Yes.
9. Additional information required by local rule: N/A.

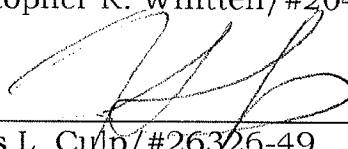
Respectfully submitted,

WHITTEN LAW OFFICE



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Christopher R. Whitten / #20429-49




---

James L. Culp / #26326-49  
*Counsel for Defendants HMD, LLC and  
Rodney Williams*

**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing has been served upon the following by electronic mail, this 16<sup>th</sup> day of March 2021:

David W. Craig, Esq.  
Scott A. Faultless, Esq.  
William J. Kelley, Esq.  
Christopher M. Barry, Esq.  
Alexander R. Craig, Esq.  
Samantha C. Craig Stevens, Esq.  
Whitney L. Coker, Esq.  
CRAIG KELLEY & FAULTLESS, LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
[ccrabtree@clflaw.com](mailto:ccrabtree@clflaw.com)  
[anapier@ckflaw.com](mailto:anapier@ckflaw.com)  
*Counsel for Plaintiff*



---

Christopher R. Whitten  
James L. Culp

WHITTEN LAW OFFICE  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
PH: 317/362-0225  
FX: 317/362-0151

IN THE WAYNE SUPERIOR COURT      Wayne County, Indiana  
CAUSE NO. 89D01-2103-CT-0000012

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN  
AS PERSONAL REPRESENTATIVE

Plaintiff,

V.

HMD, LLC, RODNEY WILLIAMS,  
PERRY FIBERGLASS PRODUCTS, INC.,  
R&S SHEET METAL, LLC and  
MERVIN TROYER

Defendants.

**MOTION FOR ENLARGEMENT OF TIME**

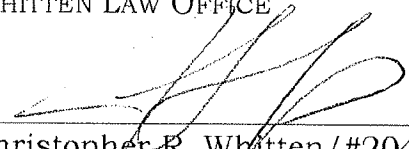
Defendants, HMD, LLC and Rodney Williams (“Defendants”), by counsel, respectfully request the Court for an enlargement of time of 30 days to respond to the Complaint (“Complaint”) of Plaintiff, The Estate of James Alcorn, Deceased, by Nikka Alcorn as Personal Representative, and in support thereof, states as follows:

1. On or about March 16, 2021, Defendants, HMD, LLC and Rodney Williams were served with a copy of the Summons and Complaint via certified mail.
2. The time for Defendants to respond to Plaintiff's Complaint has not yet expired.
3. Counsel for Defendants requires additional time to confer with his clients and to prepare an appropriate response to the Complaint.
4. No prior enlargement of time has been requested or obtained.

WHEREFORE, Defendants, HMD, LLC and Rodney Williams by counsel, respectfully request the Court for an enlargement of time of 30 days up to and including May 10, 2021, in which to respond to the Complaint and for all other just and proper relief.

Respectfully submitted,

WHITTEN LAW OFFICE



---

Christopher R. Whitten / #20429-49  
James L. Culp / #26326-49  
*Counsel for Defendants HMD, LLC and  
Rodney Williams*

**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing has been served upon the following by electronic mail, this 16<sup>th</sup> day of March 2021:

David W. Craig, Esq.  
Scott A. Faultless, Esq.  
William J. Kelley, Esq.  
Christopher M. Barry, Esq.  
Alexander R. Craig, Esq.  
Samantha C. Craig Stevens, Esq.  
Whitney L. Coker, Esq.  
CRAIG KELLEY & FAULTLESS, LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
[ccrabtrec@clflaw.com](mailto:ccrabtrec@clflaw.com)  
[anapier@ckflaw.com](mailto:anapier@ckflaw.com)  
*Counsel for Plaintiff*



---

Christopher R. Whitten  
James L. Culp

WHITTEN LAW OFFICE  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
PH: 317/362-0225  
FX: 317/362-0151

STATE OF INDIANA            )  
                                      ) SS:  
COUNTY OF WAYNE         )         CAUSE NO. 89D01-2103-CT-0000012

THE ESTATE OF JAMES ALCORN,         )  
DECEASED, BY NIKKA ALCORN         )  
AS PERSONAL REPRESENTATIVE         )

Plaintiff,                                 )

v.   )

HMD, LLC, RODNEY WILLIAMS,         )  
PERRY FIBERGLASS PRODUCTS, INC.,     )  
R&S SHEET METAL, LLC and             )  
MERVIN TROYER                         )

Defendants.                                 )

**ORDER ON DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

This matter came before the Court on Defendants' Motion for Enlargement of Time to Answer Complaint. The Court having been first duly advised, now **GRANTS** the Motion.

IT IS THEREFORE ORDERED that Defendants HMD, LLC and Rodney Williams, shall have up to and including May 10, 2021 in which to respond to Plaintiff's Complaint.

So ORDERED  
**March 17, 2021**

  
\_\_\_\_\_  
Judge, Wayne Superior Court

Copies to:

Christopher R. Whitten, Esq.  
James L. Culp, Esq.  
WHITTEN LAW OFFICE  
6801 Gray Rd, Suite H  
Indianapolis, IN 46237

David W. Craig, Esq.  
Scott A. Faultless, Esq.  
William J. Kelley, Esq.  
Christopher M. Barry, Esq.  
Alexander R. Craig, Esq.  
Samantha C. Craig Stevens, Esq.  
Whitney L. Coker, Esq.  
CRAIG KELLEY & FAULTLESS, LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216



SL

Wayne County, Indiana

IN THE SUPERIOR COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE No. 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN,	)
DECEASED, BY NIKKA ALCORN AS	)
PERSONAL REPRESENTATIVE,	)
	)
PLAINTIFF,	)
	)
V.	)
	)
HMD, LLC,	)
RODNEY WILLIAMS,	)
PERRY FIBERGLASS PRODUCTS, INC.,	)
R & S SHEET METAL, LLC, AND	)
MERVIN TROYER,	)
	)
DEFENDANTS.	)

RETURN OF SERVICE  
TO DEFENDANT PERRY FIBERGLASS PRODUCTS, INC.

Pursuant to Trial Rule 86(G)(2)(d), I hereby certify that on March 15, 2021, file-stamped copies of the Appearance, Summons, Jury Trial Demand, and Complaint were served upon Defendant Perry Fiberglass Products, Inc., Chad Pulliam, Registered Agent, 5415 Village Drive, Rockledge, FL 32955, via certified delivery, return receipt requested, under Tracking #7020 0640 0000 6675 2702.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ David W. Craig  
David W. Craig, #4356-98

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760  
(317) 545-1794 (facsimile)

SL

Wayne County, Indiana

IN THE SUPERIOR COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE NO. 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN,	)	
DECEASED, BY NIKKA ALCORN AS	)	
PERSONAL REPRESENTATIVE,	)	
	)	
PLAINTIFF,	)	
	)	
V.	)	
	)	
HMD, LLC,	)	
RODNEY WILLIAMS,	)	
PERRY FIBERGLASS PRODUCTS, INC.,	)	
R & S SHEET METAL, LLC, AND	)	
MERVIN TROYER,	)	
	)	
DEFENDANTS.	)	

**RETURN OF SERVICE TO DEFENDANT R & S SHEET METAL, LLC**

Pursuant to Trial Rule 86(G)(2)(d), I hereby certify that on March 15, 2021, file-stamped copies of the Appearance, Summons, Jury Trial Demand, and Complaint **were served** upon Defendant R & S Sheet Metal, LLC, Reuben Schlabach, Registered Agent, 5966 South Mt. Eaton Road, Dalton, OH 44618, via certified delivery, return receipt requested, under Tracking #7020 0640 0000 6675 2665.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ David W. Craig  
David W. Craig, #4356-98

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760  
(317) 545-1794 (facsimile)

IN THE SUPERIOR COURT FOR WAYNE COUNTY  
STATE OF INDIANA  
CAUSE NO. 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN,	)
DECEASED, BY NIKKA ALCORN AS	)
PERSONAL REPRESENTATIVE,	)
	)
PLAINTIFF,	)
	)
V.	)
	)
HMD, LLC,	)
RODNEY WILLIAMS,	)
PERRY FIBERGLASS PRODUCTS, INC.,	)
R & S SHEET METAL, LLC, AND	)
MERVIN TROYER,	)
	)
DEFENDANTS.	)

**RETURN OF SERVICE TO DEFENDANT MERVIN TROYER**

Pursuant to Trial Rule 86(G)(2)(d), I hereby certify that on March 16, 2021, file-stamped copies of the Appearance, Summons, Jury Trial Demand, and Complaint were served upon Defendant Mervin Troyer, 4434 East Messner Road, Wooster, OH 44691-9468, via certified delivery, return receipt requested, under Tracking #7020 0640 0000 6675 2672.

Respectfully submitted,

CRAIG KELLEY & FAULTLESS LLC

/s/ David W. Craig  
David W. Craig, #4356-98

Attorneys for Plaintiff:

CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
(317) 545-1760  
(317) 545-1794 (facsimile)

SL

STATE OF INDIANA ) WAYNE COUNTY SUPERIOR COURT 1  
 ) SS:  
 COUNTY OF WAYNE ) CAUSE NO. 89D01-2103-CT-000012

Wayne County, Indiana

The Estate of James Alcorn, Deceased, by )  
 Nikka Alcorn as Personal Representative, )  
 )  
*Plaintiff,* )

v. )  
 )  
 HMD, LLC. )  
 Rodney Williams, )  
 Perry Fiberglass Products, Inc. )  
 R&S Sheet Metal, LLC, and )  
 Mervin Troyer )  
*Defendants.* )

**E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE****This Appearance Form must be filed on behalf of every party in a civil case.**

1. The party on whose behalf this form is being filed is:  
 Initiating \_\_\_\_\_ Responding   X   Intervening \_\_\_\_\_ ; and

The undersigned attorney and all attorneys listed on this form now appear in this case for  
 the following parties:

**Defendant, Perry Fiberglass Products, Inc.**

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: **Kyle R. Clapper** Atty Number: **31928-45**

Address: **MARON MARVEL BRADLEY ANDERSON & TARDY LLC**  
**30 South Wacker Dr., Ste. 3920**  
**Chicago, IL 60606**

Phone: **(312) 579-2023**

FAX: **(312) 579-3144**

Email Address: [kclapper@maronmarvel.com](mailto:kclapper@maronmarvel.com)

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

- 3. This is a **CT** case type as defined in administrative Rule 8(B)(3).
- 4. This case involves child support issues. Yes \_\_\_\_ No **X** *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
- 5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No **X** *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

\_\_\_\_\_ Attorney's address

\_\_\_\_\_ The Attorney General Confidentiality program address  
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).

\_\_\_\_\_ Another address (provide)

\_\_\_\_\_

This case involves a petition for involuntary commitment. Yes \_\_\_\_ No **X**

- 6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:
  - a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:  
\_\_\_\_\_
  - b. State of Residence of person subject to petition: \_\_\_\_\_



c. At least one of the following pieces of identifying information:

(i) Date of Birth \_\_\_\_\_

(ii) Driver's License Number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iii) State ID number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iv) FBI number \_\_\_\_\_

(v) Indiana Department of Corrections Number \_\_\_\_\_

(vi) Social Security Number is available and is being provided in an attached confidential document Yes \_\_\_\_ No \_\_\_\_

7. There are related cases: Yes \_\_\_\_ No **X** (If yes, list on continuation page.)

8. Additional information required by local rule:

9. There are other party members: Yes \_\_\_\_ No **X** (If yes, list on continuation page)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes **X** No \_\_\_\_

/s/ Kyle R. Clapper  
Attorney-at-Law  
(Attorney information shown above.)

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2021, a copy of the foregoing was electronically filed with the Clerk of the Wayne County Superior Court and served on all counsel of record using the Indiana E-Filing system.

/s/ Kyle R. Clapper  
Kyle R. Clapper (#31928-45)  
MARON MARVEL BRADLEY ANDERSON & TARDY LLC  
30 South Wacker Dr., Ste. 3920  
Chicago, IL 60606  
Phone: 312-579-2023  
kclapper@maronmarvel.com

SL

STATE OF INDIANA ) WAYNE COUNTY SUPERIOR COURT 1  
 ) SS:  
 COUNTY OF WAYNE ) CAUSE NO. 89D01-2103-CT-000012

Wayne County, Indiana

The Estate of James Alcorn, Deceased, by )  
 Nikka Alcorn as Personal Representative, )  
 )  
*Plaintiff,* )

v. )

HMD, LLC. )  
 Rodney Williams, )  
 Perry Fiberglass Products, Inc. )  
 R&S Sheet Metal, LLC, and )  
 Mervin Troyer )  
*Defendants.* )

**E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE**

**This Appearance Form must be filed on behalf of every party in a civil case.**

1. The party on whose behalf this form is being filed is:  
 Initiating \_\_\_\_\_ Responding   X   Intervening \_\_\_\_\_ ; and

The undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

**Defendant, Perry Fiberglass Products, Inc.**

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: **Michael Mayerck** Atty Number: **36055-45**

Address: **MARON MARVEL BRADLEY ANDERSON & TARDY LLC**  
**30 South Wacker Dr., Ste. 3920**  
**Chicago, IL 60606**

Phone: **(312) 579-2027**

FAX: **(312) 579-3144**

Email Address: **mmayerck@maronmarvel.com**

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a **CT** case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes \_\_\_\_ No **X** *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No **X** *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

\_\_\_\_\_ Attorney's address

\_\_\_\_\_ The Attorney General Confidentiality program address  
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).

\_\_\_\_\_ Another address (provide)

\_\_\_\_\_

This case involves a petition for involuntary commitment. Yes \_\_\_\_ No **X**

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:
- a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:  
\_\_\_\_\_
  - b. State of Residence of person subject to petition: \_\_\_\_\_

c. At least one of the following pieces of identifying information:

(i) Date of Birth \_\_\_\_\_

(ii) Driver's License Number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iii) State ID number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iv) FBI number \_\_\_\_\_

(v) Indiana Department of Corrections Number \_\_\_\_\_

(vi) Social Security Number is available and is being provided in an attached confidential document Yes \_\_\_\_\_ No \_\_\_\_\_

7. There are related cases: Yes \_\_\_\_\_ No **X** (If yes, list on continuation page.)

8. Additional information required by local rule:

9. There are other party members: Yes \_\_\_\_\_ No **X** (If yes, list on continuation page)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes **X** No \_\_\_\_\_

/s/ **Michael Mayerck**  
Attorney-at-Law  
(Attorney information shown above.)

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2021, a copy of the foregoing was electronically filed with the Clerk of the Wayne County Superior Court and served on all counsel of record using the Indiana E-Filing system.

/s/ **Michael Mayerck**  
Michael Mayerck (#36055-45)  
MARON MARVEL BRADLEY ANDERSON & TARDY LLC  
30 South Wacker Dr., Ste. 3920  
Chicago, IL 60606  
Phone: 312-579-2027  
mmayerck@maronmarvel.com

Wayne County, Indiana

4. Defendant requires additional time beyond the current deadline to investigate and prepare its responsive pleading. This is Defendant's first motion for enlargement of time to file a responsive pleading.

5. Local Rule LR89-TR06-004(C) provides: “The first motion for enlargement of time to file a responsive pleading to a Complaint shall be granted summarily for up to forty-five (45) days.”

6. Accordingly, Defendant respectfully requests a thirty (30) day enlargement of its deadline to file a responsive pleading, thereby making its responsive pleading due on or before May 7, 2021.

WHEREFORE, Defendant, Perry Fiberglass Products, Inc., respectfully requests that this Court enter an Order granting its Unopposed First Motion for Enlargement of Time to File Responsive Pleading, and for all further relief deemed just and proper.

Respectfully Submitted,

/s/ Kyle R. Clapper

Kyle Clapper (#31928-45)

Michael Mayerck (#36055-45)

Maron Marvel Bradley Anderson & Tardy LLC

30 South Wacker Drive, Ste. 3920

Chicago, IL 60606

Phone: 312-579-2027

kclapper@maronmarvel.com

mmayerck@maronmarvel.com

Attorneys for Perry Fiberglass Products, Inc.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2021, a copy of the foregoing was electronically filed with the Clerk of the Wayne County Superior Court and served on all counsel of record using the Indiana E-Filing system.

/s/ Kyle R. Clapper

SL

STATE OF INDIANA )

)

IN THE WAYNE SUPERIOR COURT 1

) SS

RICHMOND, INDIANA

Wayne County, Indiana

COUNTY OF WAYNE )

)

CAUSE NO.: 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN, )  
 Deceased, by NIKKA ALCORN as )  
 personal representative, )

Plaintiffs, )

v. )

HMD, LLC, RODNEY WILLIAMS, )  
 PERRY FIBERGLASS PRODUCTS, )  
 INC., R & S SHEET METAL, LLC, )  
 and MERVIN TROYER, )

Defendants. )

### APPEARANCE

1. Case Number: 89D01-2103-CT-000012
2. Party Classification: Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_
3. The undersigned attorney now appears for the following party:

**R & S Sheet Metal, LLC and Mervin Troyer**

4. Attorney Information (as applicable for service of process):

Keith Kinney, 5489-49  
 LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES  
 350 E. 96th St.  
 Suite 100  
 Indianapolis, IN 46240  
 Phone: 317-582-0438  
 Fax: 866-200-5771  
 Keith.Kinney@LibertyMutual.com

5. Case Type Requested (if initiating party): \_\_\_\_\_
6. Social Security numbers of all family members in proceedings involving support issues:
  - a. Name: \_\_\_\_\_ SS#: \_\_\_\_\_
  - b. Name: \_\_\_\_\_ SS#: \_\_\_\_\_
  - c. Name: \_\_\_\_\_ SS#: \_\_\_\_\_

7. Are there related cases? Yes \_\_\_\_ No \_\_\_\_ If yes, list case and number below:

- a. Caption \_\_\_\_\_ Cause Number \_\_\_\_\_
- b. Caption \_\_\_\_\_ Cause Number \_\_\_\_\_

8. This form has been served on all other parties. Certificate of Service is attached:

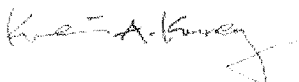
Yes:   X   No: \_\_\_\_\_

9. Additional information required by state or local rule: \_\_\_\_\_

10. Additional Information Required by Trial Rule 86 (O):

- a. The undersigned certifies that the contact information listed on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date the appearance is filed;
- b. The undersigned acknowledges that orders, opinions, and notices, and all documents served under Trial Rule 86(G) will be sent to the undersigned at the email address on the Roll of Attorneys regardless of other contact information supplied by the undersigned; and
- c. The undersigned acknowledges that each attorney listed on the appearance is solely responsible for keeping his/her Roll of Attorneys contact information accurate per Ind. Admis. Disc. R. 2(A).

By:



\_\_\_\_\_  
Keith Kinney, 5489-49  
LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES  
350 E. 96th St.  
Suite 100  
Indianapolis, IN 46240  
Phone: 317-582-0438  
Fax: 866-200-5771

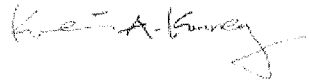


**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on the following parties by using the Court's IEFS System or U.S. Postal Service, pre-paid delivery, for those parties not yet registered, on this day of 24<sup>th</sup> day of March, 2021.

David W. Craig  
Scott A. Faultless  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

Christopher R. Whitten  
James L. Culp  
Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, IN 46237



By:

\_\_\_\_\_  
Keith Kinney, #5489-49

LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES  
350 E. 96th St.  
Suite 100  
Indianapolis, IN 46240  
Phone: 317-582-0438  
Fax: 866-200-5771  
[Keith.Kinney@libertymutual.com](mailto:Keith.Kinney@libertymutual.com)

STATE OF INDIANA )  
 ) SS  
COUNTY OF WAYNE )

IN THE WAYNE SUPERIOR COURT 1  
RICHMOND, INDIANA

CAUSE NO: 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN, )  
Deceased, by NIKKA ALCORN as )  
personal representative, )

Plaintiffs, )

v. )

HMD, LLC, RODNEY WILLIAMS, )  
PERRY FIBERGLASS PRODUCTS, )  
INC., R & S SHEET METAL, LLC, )  
and MERVIN TROYER, )

Defendants. )

JURY TRIAL REQUESTED

**ANSWER, AFFIRMATIVE DEFENSES AND REQUEST FOR JURY TRIAL**

Comes now Defendant, R & S Sheet Metal, LLC, by counsel, and for its Answer to Plaintiffs' Complaint, states as follows:

1. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 1 of the Plaintiffs' Complaint, and therefore denies the same.

2. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 2 of the Plaintiffs' Complaint, and therefore denies the same.

3. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 3 of the Plaintiffs' Complaint, and therefore denies the same.

4. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 4 of the Plaintiffs' Complaint, and therefore denies the same.

5. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 5 of the Plaintiffs' Complaint, and therefore denies the same.

6. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 6 of the Plaintiffs' Complaint, and therefore denies the same.

7. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 7 of the Plaintiffs' Complaint, and therefore denies the same.

8. The Defendant, R & S Sheet Metal, LLC, denies the allegations contained in rhetorical paragraph 8 of the Plaintiffs' Complaint.

9. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 9 of the Plaintiffs' Complaint, and therefore denies the same.

10. The Defendant, R & S Sheet Metal, LLC, denies the allegations contained in rhetorical paragraph 10 of the Plaintiffs' Complaint.

11. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 11 of the Plaintiffs' Complaint, and therefore denies the same.

12. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 12, as well as subparagraphs A through D, of the Plaintiffs' Complaint, and therefore denies the same.

13. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 13 of the Plaintiffs' Complaint, and therefore denies the same.

14. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 14 of the Plaintiffs' Complaint, and therefore denies the same.

15. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 15, as well as subparagraph A through C, of the Plaintiffs' Complaint, and therefore denies the same.

16. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 16 of the Plaintiffs' Complaint, and therefore denies the same.

17. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 17 of the Plaintiffs' Complaint, and therefore denies the same.

18. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 18 of the Plaintiffs' Complaint, and therefore denies the same.

19. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 19 of the Plaintiffs' Complaint, and therefore denies the same.

20. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 20 of the Plaintiffs' Complaint, and therefore denies the same.

21. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 21 of the Plaintiffs' Complaint, and therefore denies the same.

22. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 22 of the Plaintiffs' Complaint, and therefore denies the same.

23. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 23 of the Plaintiffs' Complaint, and therefore denies the same.

24. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 24 of the Plaintiffs' Complaint, and therefore denies the same.

25. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 25 of the Plaintiffs' Complaint, and therefore denies the same.

26. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 26 of the Plaintiffs' Complaint, and therefore denies the same.

27. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 27 of the Plaintiffs' Complaint, and therefore denies the same.

28. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 28 of the Plaintiffs' Complaint, and therefore denies the same.

29. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 29 of the Plaintiffs' Complaint, and therefore denies the same.

30. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 30, as well as subparagraphs A through C, of the Plaintiffs' Complaint, and therefore denies the same.

31. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 31, as well as subparagraphs A through C, of the Plaintiffs' Complaint, and therefore denies the same.

32. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 32, as well as subparagraphs A through D, of the Plaintiffs' Complaint, and therefore denies the same.

#### **COUNT I**

33. The Defendant, R & S Sheet Metal, LLC, incorporates by reference its answer to paragraphs 1 through 32 of the Plaintiffs' Complaint as though set forth verbatim herein.

34. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 34, as they are not directed against this Defendant.

35. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 35, as they are not directed against this Defendant.

36. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 36, as they are not directed against this Defendant.

37. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 37, as they are not directed against this Defendant.

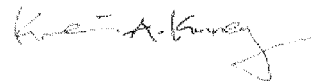
38. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 38, as they are not directed against this Defendant.

Defendant denies any rhetorical paragraph not specifically admitted or denied.

WHEREFORE, Defendant prays that Plaintiffs take nothing by their Complaint, for judgment in favor of the Defendant and against Plaintiffs, and for all other just and proper relief.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By: \_\_\_\_\_

Keith Kinney, #5489-49

*Attorney for Defendant, R & S Sheet Metal, LLC*

## COUNT II

39. The Defendant, R & S Sheet Metal, LLC, incorporates by reference its answer to paragraphs 1 through 38 of the Plaintiffs' Complaint as though set forth verbatim herein.

40. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 40, as they are not directed against this Defendant.

41. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 41, as well as subparagraphs A through D, as they are not directed against this Defendant.

42. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 42, as well as subparagraphs A through E, as they are not directed against this Defendant.

43. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 43, as they are not directed against this Defendant.

44. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 44, as they are not directed against this Defendant.

45. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 45, as they are not directed against this Defendant.

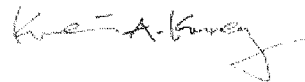
46. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 46, as they are not directed against this Defendant.

Defendant denies any rhetorical paragraph not specifically admitted or denied.

WHEREFORE, Defendant prays that Plaintiffs take nothing by their Complaint, for judgment in favor of the Defendant and against Plaintiffs, and for all other just and proper relief.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By: \_\_\_\_\_

Keith Kinney, #5489-49  
*Attorney for Defendant, R & S Sheet Metal, LLC*

### COUNT III

47. The Defendant, R & S Sheet Metal, LLC, incorporates by reference its answer to paragraphs 1 through 46 of the Plaintiffs' Complaint as though set forth verbatim herein.

48. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 48, as well as subparagraphs A through D, as they are not directed against this Defendant.



49. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 49, as they are not directed against this Defendant.

50. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 50, as they are not directed against this Defendant.

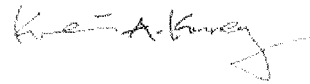
51. The Defendant, R & S Sheet Metal, LLC, makes no response to the allegations contained in paragraph 51, as they are not directed against this Defendant.

Defendant denies any rhetorical paragraph not specifically admitted or denied.

WHEREFORE, Defendant prays that Plaintiffs take nothing by their Complaint, for judgment in favor of the Defendant and against Plaintiffs, and for all other just and proper relief.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By:

---

Keith Kinney, #5489-49  
*Attorney for Defendant, R & S Sheet Metal, LLC*

#### COUNT IV

52. The Defendant, R & S Sheet Metal, LLC, incorporates by reference its answer to paragraphs 1 through 51 of the Plaintiffs' Complaint as though set forth verbatim herein.

53. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 53 of the Plaintiffs' Complaint, and therefore denies the same.

54. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 54 of the Plaintiffs' Complaint, and therefore denies the same.

55. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 55 of the Plaintiffs' Complaint, and therefore denies the same.

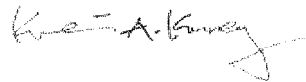
56. The Defendant, R & S Sheet Metal, LLC, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in rhetorical paragraph 56 of the Plaintiffs' Complaint, and therefore denies the same.

Defendant denies any rhetorical paragraph not specifically admitted or denied.

WHEREFORE, Defendant prays that Plaintiffs take nothing by their Complaint, for judgment in favor of the Defendant and against Plaintiffs, and for all other just and proper relief.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By:

---

Keith Kinney, #5489-49  
*Attorney for Defendant, R & S Sheet Metal, LLC*

#### **AFFIRMATIVE DEFENSES**

The Defendant, R & S Sheet Metal, LLC, by counsel, states for its Affirmative Defenses to Plaintiffs' Complaint:

1. Plaintiffs' claim should be reduced by Plaintiffs' comparative fault.
2. Plaintiffs' claim is barred because the comparative fault of Plaintiffs may exceed fifty percent.
3. The injuries and/or damages of which Plaintiffs complain were the proximate result of the risk voluntarily incurred and/or assumed by Plaintiff(s).
4. Defendant did not proximately cause Plaintiffs' alleged damages and injuries, if any.

5. Plaintiffs may have failed to mitigate their alleged damages.

6. That the Plaintiffs failed to state a claim for which relief can be granted and thus this cause of action should be dismissed pursuant to Trial Rule 12(B)(6) of the Indiana Rules of Trial Procedure.

7. That the Defendant is entitled to a credit or setoff for any and all worker's compensation or other collateral source payments made to or on behalf of the Plaintiffs herein as permitted under Stanley v. Walker and Patchett v. Lee and Indiana statutory law.

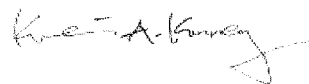
8. That the Defendant is not liable for the acts or omissions of any other Defendant under the doctrine of *Respondeat Superior*.

9. Defendant reserves the right to add other affirmative defenses as they become known.

WHEREFORE, the Defendant prays that Plaintiffs take nothing by their Complaint, for judgment in favor of Defendant and against the Plaintiffs, and for all other just and proper relief.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By:

---

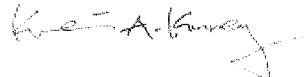
Keith Kinney, #5489-49  
*Attorney for Defendant, R & S Sheet Metal, LLC*

**JURY DEMAND**

Pursuant to Trial Rule 38(B) of the Indiana Rules of Trial Procedure, the Defendant respectfully demands a trial by jury.

Respectfully Submitted,

LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES



By: \_\_\_\_\_

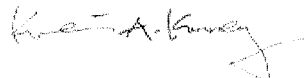
Keith Kinney, #5489-49  
*Attorney for Defendant, R & S Sheet Metal, LLC*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on the following parties by using the Court's IEFS System or U.S. Postal Service, pre-paid delivery, for those parties not yet registered, on this 24<sup>th</sup> day of March, 2021.

David W. Craig  
Scott A. Faultless  
Scott A. Faultless  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

Christopher R. Whitten  
James L. Culp  
Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, IN 46237



By: \_\_\_\_\_

Keith Kinney, #5489-49

LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES  
350 E. 96th St., Suite 100  
Indianapolis, IN 46240  
Phone: 317-582-0438  
Fax: 866-200-5771

Keith.Kinney@LibertyMutual.com

Kyle Clapper (#31928-45)  
Michael Mayerck (#36055-45)  
Maron Marvel Bradley Anderson & Tardy LLC  
30 South Wacker Drive, Ste. 3920  
Chicago, IL 60606  
Phone: 312-579-2027  
kclapper@maronmarvel.com  
mmayerck@maronmarvel.com  
*Attorneys for Defendant, Perry Fiberglass Products, Inc.*

**Distribution:**

All counsel of record through the Court's ECF system.

David Craig – dcraig@ckflaw.com  
Scott Faultless – sfaultless@ckflaw.com  
Clint Crabtree – ccrabtree@ckflaw.com  
Tommy Datzman – tdatzman@ckflaw.com  
Ashley Napier – anapier@ckflaw.com  
Craig Kelley & Faultless LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216  
*Attorneys for Plaintiff*

Christopher Whitten – cwhitten@indycounsel.com  
James Culp – jculp@indycounsel.com  
Whitten Law Office  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
*Attorneys for Defendants, HMD, LLC and Rodney Williams*

TBD  
*Attorneys for Defendant, R&S Sheet Metal, LLC*

TBD  
*Attorneys for Defendant, Mervin Troyer*

Kyle Clapper (#31928-45) - kclapper@maronmarvel.com  
Michael Mayerck (#36055-45) - mmayerck@maronmarvel.com  
Maron Marvel Bradley Anderson & Tardy LLC  
30 South Wacker Drive, Ste. 3920  
Chicago, IL 60606  
*Attorneys for Defendant, Perry Fiberglass Products, Inc.*

SL

STATE OF INDIANA )  
 ) SS  
COUNTY OF WAYNE )  
 )

WAYNE SUPERIOR COURT 1  
RICHMOND, INDIANA

Wayne County, Indiana

CAUSE NO: 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN, )  
Deceased, by NIKKA ALCORN as )  
personal representative, )

Plaintiffs, )

v. )

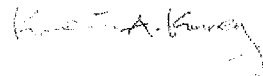
HMD, LLC, RODNEY WILLIAMS, )  
PERRY FIBERGLASS PRODUCTS, )  
INC., R & S SHEET METAL, LLC, )  
and MERVIN TROYER, )

Defendants.

### MOTION TO WITHDRAW APPEARANCE

Comes now the Attorney Keith Kinney and hereby moves to withdraw his Appearance on behalf of Defendant Mervin Troyer in this cause of action for the reason that Defendant was not an employee of Defendant R&S Sheet Metal, LLC and is therefore not insured under the insurance policy of R&S Sheet Metal. Mervin Troyer has been advised of the undersigned's intention to withdraw his appearance. See Exhibit A attached hereto. Keith Kinney will continue representation of Defendants R & S Sheet Metal, LLC.

Respectfully submitted,



By:

\_\_\_\_\_  
Keith Kinney, #5489-49  
LIBERTY MUTUAL GROUP  
FIELD LEGAL OFFICES  
350 E. 96th St.  
Suite 100  
Indianapolis, IN 46240  
Phone: 317-582-0438  
Fax: 866-200-5771



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on the following parties by using the Court's IEFS System or U.S. Postal Service, pre-paid delivery, for those parties not yet registered, on this day of 6th day of April, 2021.

David W. Craig  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

By: 

\_\_\_\_\_  
Keith Kinney, #5489-49

LIBERTY MUTUAL GROUP  
FIELD LEGAL OFFICES  
350 E. 96th St.  
Suite 100  
Indianapolis, IN 46240  
Phone: 317-582-0438  
Fax: 866-200-5771  
Keith.Kinney@LibertyMutual.com

JOHN W. POTTER - 219.525.6059  
RESIDENT ATTORNEY

JENNA C. LOWER - 317.814.6896  
ATTORNEY OF RECORD

RICHARD M. GIESEL - 317.814.6950  
EDGAR R. LANTIS - 317.814.6892  
JEFFREY A. BEECHING - 317.814.6890  
ROBERT F. DOLACK - 317.795.3102  
CHRIS DEVLIN - 317.814.6910  
JENNA MYERS - 317.564.3685  
KEITH A. KINNEY - 317.795.3189  
DAVID CHRISTOFF - 317.795.3188

**LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES**  
**A Staff Legal Office of the Liberty Mutual Group of**  
**Insurance Companies**  
**Not a Partnership or Professional Corporation**  
**Staff Attorneys are Employees of**  
**LIBERTY MUTUAL GROUP INC.**

350 E. 96<sup>TH</sup> STREET, SUITE 100  
INDIANAPOLIS, IN 46240  
TELEPHONE: 317.582.0438  
FAX: 866.200.5771

**\*\*\*Please be advised this office is now a paperless environment\*\*\***

Please forward all future correspondence to:  
[indygeneralmailbox@LibertyMutual.com](mailto:indygeneralmailbox@LibertyMutual.com)

**Via Returned Certified Mail, Return Receipt Requested: 7020 1810 0001 1934 3011**

March 24, 2021

Mervin Troyer  
4434 East Messner Road  
Wooster, OH 44691-9468  
Via Certified & Regular Mail

EXHIBIT A

RE: The Estate of James Alcorn, et al. v. HMD, LLC, et al.  
Wayne Superior Court 1  
Cause No: 89D01-2103-CT-000012  
Claim No: 23902107001  
Date of Loss: November 11, 2020

Dear Mr. Troyer:

I previously entered my appearance in the above matter because the complaint indicated you were an employee of R&S Sheet Metal. I have since learned that is not the case. I will therefore be withdrawing my appearance on your behalf within 10 days of this letter. After my withdrawal I will not be representing you in any manner and I will not be filing an answer on your behalf. You should turn this matter over to your insurance carrier immediately to avoid a default judgment being entered against you. It is my understanding that State Farm is your insurance carrier. Please notify your agent so that this matter can be referred to the State Farm claims department.

Please let me know if you have any questions.

Very truly yours,



Keith Kinney

KK/kk

STATE OF INDIANA ) IN THE WAYNE SUPERIOR COURT  
 ) SS:  
COUNTY OF WAYNE ) CAUSE NO. 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN,  
DECEASED, BY NIKKA ALCORN AS  
PERSONAL REPRESENTATIVE,  
  
Plaintiff,

vs.

HMD, LLC, RODNEY WILLIAMS, PERRY  
FIBERGLASS PRODUCTS, INC., R&S  
SHEET METAL, LLC and MERVIN  
TROYER,  
  
Defendants.

**DEFENDANT, MERVIN TROYER'S, FIRST MOTION FOR  
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Comes now the Defendant, Mervin Troyer, by counsel, and respectfully moves the Court for an enlargement of time of thirty (30) days within which to respond to Plaintiff's Complaint.

In support of this Motion, the Defendant states as follows:

1. Defendant's response to the Complaint is due on April 8, 2021.
2. Counsel for Defendant has recently been retained in the above-captioned cause of action and requires additional time in which to review the case at hand and confer with his client prior to responding to the Complaint.
3. Defendant requests an enlargement of time of thirty (30) days, to and including May 8, 2021, in which to file a response to the Complaint.
4. Counsel for Defendant's staff contacted Plaintiff's counsel who indicated they have no objection to an enlargement of time.
5. This Motion is not made for the purposes of vexation or delay, but in the interests of justice.

WHEREFORE, the Defendant, Mervin Troyer, by counsel, prays for an enlargement of time, to and including May 8, 2021, in which to answer or otherwise plead to the Complaint, and for all other relief proper in the premises.

Respectfully submitted,

/s/ Mark S. Alderfer

Mark S. Alderfer, #4213-53

Attorney for Defendant, Mervin Troyer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 7<sup>th</sup> day of March 2021, by using the Court's electronic filing system or via United States First Class Mail, postage prepaid, upon:

David W. Craig  
Scott A. Faultless  
William J. Kelley  
Christopher M. Barry  
Alexander R. Craig  
Samantha C. Craig Stevens  
Whitney L. Coker  
*Attorneys for Plaintiff*  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

Christopher R. Whitten  
James L. Culp  
*Attorneys for HMD, LLC and Rodney Williams*  
WHITTEN LAW OFFICE  
6801 Gray Road, Suite H  
Indianapolis, IN 46237

Kyle R. Clapper  
Michael Mayerck  
*Attorney for Perry Fiberglass Products, Inc.*  
MARON MARVEL BRADLEY ANDERSON  
& TARDY, LLC  
30 South Wacker Drive, Suite 3920  
Chicago, IL 60606

Keith Kinney  
*Attorney for R & S Sheet Metal, LLC and Mervin Troyer*  
LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES  
350 E. 96<sup>th</sup> Street, Suite 100  
Indianapolis, IN 46240

/s/ Mark S. Alderfer

Mark S. Alderfer

DUE DOYLE FANNING & ALDERFER, LLP  
8440 Allison Pointe Blvd., Suite 350  
Indianapolis, IN 46250-4202  
(317) 635-7700

STATE OF INDIANA )  
 ) SS:  
COUNTY OF WAYNE ) CAUSE NO. 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN, )  
DECEASED, BY NIKKA ALCORN AS )  
PERSONAL REPRESENTATIVE, )  
 )  
Plaintiff )

vs. )

HMD, LLC, RODNEY WILLIAMS, PERRY )  
FIBERGLASS PRODUCTS, INC., R&S )  
SHEET METAL, LLC and MERVIN )  
TROYER, )  
 )  
Defendants. )

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

**Party Classification:** Initiating \_\_\_\_ Responding X Intervening \_\_\_\_

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member: **MERVIN TROYER**
2. Applicable attorney information for service as required by Trial Rule 5(B)(2):

**Mark S. Alderfer**  
**Attorney No. 4213-53**  
**DUE DOYLE FANNING & ALDERFER, LLP**  
**8440 Allison Pointe Blvd., Suite 350**  
**Indianapolis, IN 46250-4202**  
**Telephone: (317) 635-7700**  
**Facsimile: (317) 638-5688**  
**Email: malderfer@duedoyle.com**

3. This is a civil tort case type as defined in Administrative Rule 8(b)(3).
4. This case involves child support issues. No *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. No *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

\_\_\_\_\_ Attorney's address

\_\_\_\_\_ The Attorney General Confidentiality program address  
(contact the Attorney General at 1-800-321-1907 or e-mail address is  
**confidential@atg.in.gov**).

\_\_\_\_\_ Another address (provide)

6. This case involves a petition for involuntary commitment. No
- a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:
- b. State of Residence of person subject to petition:
- c. At least one of the following pieces of identifying information:
- (i) Date of Birth \_\_\_\_\_
- (ii) Driver's License Number \_\_\_\_\_  
State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_
- (iii) State ID number \_\_\_\_\_  
State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_
- (iv) FBI number \_\_\_\_\_
- (v) Indiana Department of Corrections Number \_\_\_\_\_
- (vi) Social Security Number is available and is being provided in an attached confidential document Yes \_\_\_\_ No \_\_\_\_
7. There are related cases: No (If yes, list on continuation page.)
8. Additional information required by local rule: None
9. There are other party members: No (If yes, list on continuation page.)
10. This form has been served on all other parties and Certificate of Service is attached.

Respectfully submitted,

/s/ Mark S. Alderfer

Mark S. Alderfer, #4213-53  
Attorney for Defendant, Mervin Troyer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 7<sup>th</sup> day of March 2021, by using the Court's electronic filing system or via United States First Class Mail, postage prepaid, upon:

David W. Craig  
Scott A. Faultless  
William J. Kelley  
Christopher M. Barry  
Alexander R. Craig  
Samantha C. Craig Stevens  
Whitney L. Coker  
*Attorneys for Plaintiff*  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

Kyle R. Clapper  
Michael Mayerck  
*Attorney for Perry Fiberglass Products, Inc.*  
MARON MARVEL BRADLEY ANDERSON  
& TARDY, LLC  
30 South Wacker Drive, Suite 3920  
Chicago, IL 60606

Christopher R. Whitten  
James L. Culp  
*Attorneys for HMD, LLC and Rodney Williams*  
WHITTEN LAW OFFICE  
6801 Gray Road, Suite H  
Indianapolis, IN 46237

Keith Kinney  
*Attorney for R & S Sheet Metal, LLC and Mervin Troyer*  
LIBERTY MUTUAL GROUP FIELD LEGAL  
OFFICES  
350 E. 96<sup>th</sup> Street, Suite 100  
Indianapolis, IN 46240

/s/ Mark S. Alderfer

Mark S. Alderfer

DUE DOYLE FANNING & ALDERFER, LLP  
8440 Allison Pointe Blvd., Suite 350  
Indianapolis, IN 46250-4202  
(317) 635-7700

STATE OF INDIANA )  
 ) SS  
COUNTY OF WAYNE )  
 )

WAYNE SUPERIOR COURT 1  
RICHMOND, INDIANA  
CAUSE NO: 89D01-2103-CT-000012

THE ESTATE OF JAMES ALCORN, )  
Deceased, by NIKKA ALCORN as )  
personal representative, )  
 )

Plaintiffs, )  
 )

v. )  
 )

HMD, LLC, RODNEY WILLIAMS, )  
PERRY FIBERGLASS PRODUCTS, )  
INC., R & S SHEET METAL, LLC, )  
and MERVIN TROYER, )

Defendants.

**ORDER WITHDRAWING  
APPEARANCE FOR DEFENDANT**

Keith Kinney having filed his Motion to Withdraw Appearance previously entered on behalf of Defendant(s) R & S Sheet Metal, LLC.

AND THE COURT, being duly advised in the premises, now grants said Motion.

It is hereby ORDERED that the Appearance of Keith Kinney is withdrawn from this cause of action as to Defendant Mervin Troyer. Keith Kinney will remain counsel of record for Defendant R & S Sheet Metal, LLC.

Date: **April 6, 2021**

  
\_\_\_\_\_  
Judge, COUNTY SUPERIOR/CIRCUIT  
COURT

**Distribution attached:**



**Distribution to:**

Keith Kinney  
LIBERTY MUTUAL GROUP  
FIELD LEGAL OFFICES  
350 E. 96th St.  
Suite 100  
Indianapolis, IN 46240

David W. Craig  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

STATE OF INDIANA	)	IN THE WAYNE SUPERIOR COURT
	)	SS:
COUNTY OF WAYNE	)	CAUSE NO. 89D01-2103-CT-000012
THE ESTATE OF JAMES ALCORN,	)	
DECEASED, BY NIKKA ALCORN AS	)	
PERSONAL REPRESENTATIVE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
HMD, LLC, RODNEY WILLIAMS, PERRY	)	
FIBERGLASS PRODUCTS, INC., R&S	)	
SHEET METAL, LLC and MERVIN	)	
TROYER,	)	
	)	
Defendants.	)	

**ORDER ON DEFENDANT, MERVIN TROYER'S, FIRST MOTION FOR  
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Defendant, Mervin Troyer, by counsel, files herein a First Motion for Enlargement of Time to Respond to Complaint. And the Court, being duly advised, hereby GRANTS said Motion and ORDERS Defendant, Mervin Troyer, to respond to Plaintiff's Complaint on or before May 8, 2021.

DATED: **April 8, 2021**

  
\_\_\_\_\_  
JUDGE, Wayne Superior Court 1

Tendered by:

Mark S. Alderfer  
*Attorney for Defendant, Mervin Troyer*  
DUE DOYLE FANNING & ALDERFER, LLP  
8440 Allison Pointe Blvd., Suite 350  
Indianapolis, IN 46250-4202

DISTRIBUTION TO:

David W. Craig  
Scott A. Faultless  
William J. Kelley  
Christopher M. Barry  
Alexander R. Craig  
Samantha C. Craig Stevens  
Whitney L. Coker  
*Attorneys for Plaintiff*  
CRAIG KELLEY & FAULTLESS LLC  
5845 Lawton Loop East Drive  
Indianapolis, IN 46216

Christopher R. Whitten  
James L. Culp  
*Attorneys for HMD, LLC and Rodney Williams*  
WHITTEN LAW OFFICE  
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Mark S. Alderfer  
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